

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>NIKKI STIFF and WENDY STIFF,</b>	)	<b>CASE NO. 8:09CV437</b>
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>RYAN WOHL, ROBERT WOHL,</b>	)	<b>MEMORANDUM</b>
<b>UNITED STATES OF AMERICA,</b>	)	<b>AND ORDER</b>
<b>DODGE COUNTY TITLE AND</b>	)	
<b>ESCROW,</b>	)	
	)	
<b>Defendants.</b>	)	

This matter is before the Court on the following motions: the motion to dismiss filed by the Defendant, United States of America (Filing No. 7)<sup>1</sup>; the Plaintiffs' motion to dismiss (Filing No. 10); and the Plaintiffs' motion to remand (Filing No. 11).

**PROCEDURAL HISTORY**

This breach of contract case was removed from the District Court of Saunders County, Nebraska, by the U.S. Attorney. Plaintiffs originally named the following Defendants: Ryan Woehl; Robert Woehl; Jay Schroeder; the U.S. Department of Agriculture Farm and Foreign Agriculture Services, Farm Service Agency ("USDA/FSA"); Dodge County Title and Escrow; and the Dodge County Farm Service Agency ("County FSA"). (Filing No. 1.) The Assistant U.S. Attorney's Notice of Substitution resulted in the addition of the United States as a defendant and the termination of the following defendants: the USDA/FSA; the County FSA; and Jay Schroeder. (Filing No. 4; ECF entry 12/10/2009.)

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<sup>1</sup>The government's motion is accompanied by a supporting brief and an index of evidence (Filing Nos. 7, 8).

The government then filed a motion to dismiss based on Federal Rule of Procedure 12(b)(1) and 12(b)(6), alleging lack of subject matter jurisdiction and failure to state a claim for which relief may be granted. (Filing No. 7.) The Plaintiffs then filed a motion to dismiss the previously terminated Defendants as well as the United States of America, stating that the suit against those Defendants is premature. (Filing No. 10.) Finally, the Plaintiffs filed a motion to remand, based on lack of subject matter jurisdiction under 28 U.S.C. § 1447(c) and lack of diversity of citizenship under 28 U.S.C. § 1332. All motions are unopposed.

IT IS ORDERED:

1. Plaintiffs' motion to remand (Filing No. 11) is granted;
2. This case is remanded to the District Court for Saunders County, Nebraska;
3. The motion to dismiss filed by the Defendant, United States of America, (Filing No. 7) is denied as moot;
4. The Plaintiffs' motion to dismiss (Filing No. 10) is denied as moot;
5. The Clerk of this Court is directed to mail a certified copy of this order to the Clerk of the District Court for Saunders County, Nebraska; and
6. The Clerk is directed to close this case for statistical purposes.

DATED this 12<sup>th</sup> day of April, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge